

REMARKS

The undersigned wishes to thank Examiner Katcheves for his time and effort in preparing for and participating in a telephonic interview conducted on March 20, 2007, at which time it was agreed that all of the above claims, some in an amended condition, are allowable over the prior art (4,275,534 to Porter) used to reject all of the claims that were rejected in the last Office Action.

Claims 1-41, 44, 50 and 67 were previously cancelled.

Claims 42-79 were allowed, noting that claims 44, 50 and 67 of that group are canceled.

Claims 98-113 have been withdrawn.

Claims 80-85, 87, 88, 90, 92, 93, 114 and 115 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,275,534 to Porter.

Claim 80 has been amended in this way:

“...a first backing member having a first end and a second end, a front side and a back side, the front side being disposed substantially in a first plane;

a second backing member having a first end and a second end, a front side and a back side, the front side of the second backing member being disposed substantially in said first plane...”

In claim 90, this underlined language has been added to help make it clearer:
“said first substantially planar structure”.

Also, regarding claims 80 and 90, the rafter hanger 127 of Porter is not substantially planar. At most, the flange 123 is planar. However, that flange 123 does

not overlap the first end of the second backing member and the second end of the first backing member, a limitation in these two claims 80 and 90.

Porter calls member 123, “a saddle 123 straddling a rafter 20 (or truss) and secured to it by means of a screw 124, together with laterally extending U-shaped hanger brackets 127 in which timber rafters 128 are laid.” (Col. 5, lines 4-7). So member 123, can only be called a substantially planar spacing structure IF it is being read as only including the top portion thereof with the numeral 123 on it as shown for example in Fig. 10. However, if the Porter member 123 is being read as including the “U-shaped hanger brackets 127”, then clearly “saddle 123” is not “a first substantially planar structure” as recited in claims 80 and 90.

Regarding claim 96, at most, the rafter hanger 122 of Porter is connected to two rafters it clearly does not satisfy the recitations of claim 96 which recites first, second, third and fourth studs.

Claims 86, 89, 91, 94, 95-97 and 116 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,275,534 to Porter, alleging it would be obvious to change Porter to include limitations in these claims that are not present in Porter. This rejection is respectfully traversed for the reasons given above as to why other portions of the claim do not read on the Porter structure.

Since claims 86 and 89 are ultimately dependent on independent claim 80 and it has been shown that the new limitation to claim 80 makes it clearly allowable, the claims 86 and 89 are clearly allowable as well.

Since claims 91, 94 and 95 are ultimately dependent on independent claim 90 and it has been shown that the new limitation to claim 80 makes it clearly allowable, these

claims are clearly allowable as well. Since claims 91, 94 and 95 are ultimately dependent on independent claim 90 and it has been shown that claim 90 is clearly allowable, these dependent claims are clearly allowable as well. Since claims 97 and 116 are ultimately dependent on independent claim 96 and it has been shown that claim 96 is clearly allowable, these dependent claims are clearly allowable as well. In summary, since all of the previously rejected dependent claims depend from allowable claims 80, 90 and 96 these dependent claims are allowable for the same reasons that claims 80, 90 or 96 are allowable.

Attached also are color coded claims 80, 90 and 96 along with a coordinated color coded Fig. 10 of U.S. Patent No. 4,275,534 to Porter, which attachments are hereby incorporated by reference in these remarks in their entirety.

Accordingly, since all of the remaining claims 42, 43, 45-49, 51-66, 68-97 and 114-116 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

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